

REMARKS

The present Amendment amends claims 88, 89, 96, 100 and 101, leaves claims 90-95, 97-98 and 103 unchanged and adds new claim 104. Therefore, the present application has pending claims 88-104.

In paragraphs 5 and 6 of the Office Action the Examiner rejected claim 89 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Amendments were made to claim 89 to bring it into conformity with the requirements of 35 USC §112, second paragraph. Therefore, this rejection is overcome and should be withdrawn.

Claims 88-99 stand rejected under 35 USC §102(e) as being anticipated by Crawford (U.S. Patent No. 5,771,354); and claims 100-103 stand rejected under 35 USC §103(a) as being unpatentable over Crawford in view of the alleged "well known feature of a computer program product". These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as recited in claims 88-103 are not taught or suggested by Crawford or the alleged well known feature whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

In paragraphs 4 and 9-15 of the Office Action the Examiner alleges that Crawford teaches an apparatus corresponding to the features of the present invention as recited in the claims. Particularly, the Examiner alleges that Crawford teaches a processor (Fig. 3, customer processor 52) for issuing a disk request to a

plurality of shared disks (Fig. 5, 116a, 116b; 136i-k) for requesting access to one of the shared disks (one of virtual disks I; J & K). Particularly, Crawford teaches an internet online backup system wherein a replica computer such as that illustrated in Fig. 5 is constructed virtually in the host computer of the online service system 100. The replica computer 160 is not a real (physical) computer which is interconnected to a plurality of other physical computers in a manner such that each computer has connected to it one of the plurality of shared disks as in the present invention.

According to the present invention since each computer interconnected to the other computers has directly connected to it one of the shared disks it is necessary to determined when a disk request is issued by the computer, whether the disk request is to be directed to the shared disk connected to the computer or to a shared disk connected to another computer. According to the present invention as now more clearly recited in the claims such a function is implemented by the disk request processing section 110 as illustrated in Fig. 1 of the present invention.

As per the present Amendment each of the claims were amended so as to recite that the disk request processing section processes the disk request to determine whether the disk request requests access to a shared disk connected to the computer or requests access to a shared disk connected to another computer. Further, according to the present invention as now recited in the claims, when the disk request requests access to the shared disk connected to the computer, the disk request is sent to the shared disk connected to the computer. However, when the disk request requests access to a shared disk connected to another computer, the disk request is sent to the another computer.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by Crawford. Crawford does not provide any element corresponding to the disk request processing section which receives both types of disk requests, one directed to the shared disk connected to the computer and the other directed to a shared disk connected to another computer as in the present invention.

As taught in Crawford and as recognized by the Examiner Crawford teaches that when the customer computer 50 is involved in an online process with the replica computer 160, a customer server router control 306 as illustrated in Fig. 7 of Crawford routes a disk request that is directed to the virtual disk 116a to the replica computer 160. However, at no point is there any teaching or suggestion in Crawford that customer server router 306 determines whether a disk request is to a shared disk connected to the computer or a shared disk connected another computer and sends the disk request either to the shared disk connected to the computer or the shared disk connected to another computer in accordance with the determination as in the present invention.

Therefore, Crawford fails to teach or suggest a disk request processing section for processing the disk request issued to the plurality of shared disks, wherein the disk request processing section processes the disk request to determine whether the disk request requests access to a shared disk connected to the computer or requests access to a shared disk connected to another computer and sends the disk request to the shared disk connected to the computer if the disk request requests access to the shared disk connected to the computer and sends

the disk request to another computer to access a shared disk connected to the another computer if the disk request requests access to the shared disk connected to the another computer as recited in the claims.

Thus, since Crawford does not teach or suggest the features of the present invention as now recited in the claims, Crawford does not anticipated or obvious the features of the present invention as recited in the claims 88-103. Therefore, reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 88-99 as being anticipated by Crawford is respectfully requested.

The above noted deficiencies of Crawford are not supplied by the alleged well known features as suggested by the Examiner. Therefore, combining the teachings of Crawford with the alleged well known features fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Thus, since the combination of Crawford and the alleged well known features does not teach or suggest the features of the present invention as now recited in the claims, the combination of Crawford and the alleged well known features and therefore does not render obvious the features of the present invention as recited in claims 88-103. Therefore, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 88-103 as being unpatentable over Crawford and the alleged well known features is respectfully requested.

As indicated above, the present Amendment adds new claim 104. New claim 104 recites many of the same features recited in claims 88-103 shown above not to be taught or suggested by Crawford or the alleged well known features whether

taken individually or in combination with each other. Therefore, the same arguments presented above with respect to claims 88-103 apply as well to claim 104.

In view of the foregoing amendments and remarks, Applicants submit that claims 88-104 are in condition for allowance. Accordingly, early allowance of claims 88-104 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.34424CX2).

Respectfully submitted,

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